UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.28
17 September 1997

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Iraq

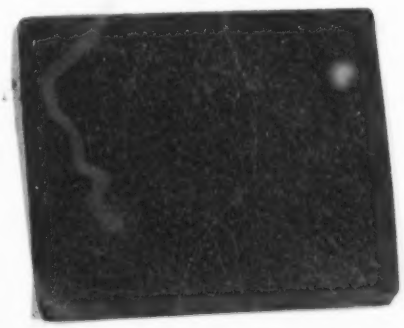
1. At its 1203rd and 1204th meetings, held on 14 March 1997, the Committee on the Elimination of Racial Discrimination considered the eleventh, twelfth and thirteenth periodic reports of Iraq (CERD/C/240/Add.3) and adopted, at its 1230th and 1231st meetings, held on 13 and 14 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the presentation of the State party's eleventh, twelfth and thirteenth periodic reports, which had been overdue because of the difficult situation in the country since 1991, and appreciates the opportunity to continue the dialogue with the State party. The report did not fully follow the guidelines for the presentation of reports and lacked concrete information on the practical implementation of the Convention and laws bearing on issues concerning the Convention.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of making the declaration be considered.

GE.97-18534 (E)



B. Factors and difficulties impeding the implementation of the Convention

4. It is recognized that the economic and social hardships in Iraq following the international embargo since the Gulf war and the continuing situation in the Northern Governorates which precludes Iraq from exercising its jurisdiction makes more difficult the full implementation of the Convention. In particular, it is noted that, according to reports of the World Health Organization in March 1996 (WHO/EHA 96.1) and of the Food and Agriculture Organization of the United Nations in 1995, that the economic sanctions applied against Iraq have resulted in a significant lack of basic foods and medicine and that the population, especially children and elderly people, have suffered gravely from malnutrition and lack of medical care, with fatal consequences. In this context, it is noted with grave concern that, according to the report of the Secretary-General of 10 March 1997 (S/1997/206), Security Council resolution 986 (1995) and the memorandum of understanding, which are meant to provide for the delivery of humanitarian goods in exchange for oil, have still not been fully implemented. The Committee is of the opinion that the withholding of basic supplies of food and medicine in itself constitutes a grave violation of human rights. This, however, does not absolve the Government of Iraq from its responsibility to implement the Convention.

C. Positive aspects

5. It is noted with appreciation that, according to the legal system of Iraq, the Convention forms an integral part of the national legislation and may be directly invoked before the courts.

6. The laws and regulations providing for the autonomy of the Kurdish minority in the northern parts of Iraq and the regulations concerning the protection of the cultural identity of several minority groups in Iraq, including the protection of languages spoken by them, are noted with appreciation.

D. Principal subjects of concern

7. The human rights situation in Iraq with respect to the implementation of the Convention, according to certain reports, in particular the report of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1997/57), is a matter of grave concern. Equally, the assessments made by the Commission on Human Rights in its resolution 1997/60 are a matter of grave concern. Iraq is a party to most of the major human rights agreements, however, the implementation of the obligations Iraq has accepted under these instruments, including the Convention, is open to improvement.

8. The Committee is concerned that Security Council resolutions dealing with matters relating to the elimination of all forms of racial discrimination have not been fully implemented.

9. It is noted with regret that the Kurdish population living in the Northern Governorates was, because of the present prevailing situation and

restraints imposed upon the exercise of the jurisdiction of Iraq, unable to participate in the popular referendum in accordance with Revolution Command Council Decree No. 85 of 1995.

10. Concern is expressed about the situation of the inhabitants of the southern marshes and further information is requested about the status of the inhabitants of that area and their way of living.

11. It is noted with concern that the provisions of articles 200, 203, 204 and 208 of the Penal Code do not reflect the requirements of article 4 of the Convention.

E. Suggestions and recommendations

12. The Committee requests the State party to provide in its next report detailed information addressing the concerns expressed by the Committee.

13. The Committee recommends that Iraq review its policy concerning respect for and implementation of international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination.

14. The Committee recommends that Iraq comply with the relevant Security Council resolutions calling for the release of all Kuwaiti nationals and nationals of other States who might still be held in detention, and to provide all information available on missing individuals of such States.

15. The Committee recommends that the State party review its legislation in order to make it comply with the requirements of article 4 of the Convention.

16. The Committee requests the State party to provide economic and social data on the situation of ethnic minorities.

17. The Committee requests the State party to substantiate its statement that the provisions of the Convention may be directly invoked in the courts.

18. The Committee recommends that the State party provide information about the political, economic and geographical structure of the country in a separate core document and that the next report of Iraq follow more closely the guidelines for reporting.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

20. The Committee recommends that the State party's next periodic report be a comprehensive report submitted so as to be dealt with by the Committee at its summer session of 1998 and that it address all the points raised in the present concluding observations as well as in Commission on Human Rights resolution 1997/60.